

EXHIBIT 6

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION
4 JUDGE ANDREA WOOD
5 MAGISTRATE JUDGE MARIA VALDEZ
6 CASE NO. 20-CV-04768
7

ORIGINAL

8 JAMES FLETCHER, JR.,
9 Plaintiff

10
11 V.

12
13 JEROME BOGUCKI, ANTHONY
14 NORADIN, RAYMOND SCHALK,
15 ANTHONY WOJCIK, UNKNOWN CITY
16 OF CHICAGO POLICE OFFICERS, AND THE
17 CITY OF CHICAGO,
18 Defendants
19
20
21
22

23 DEPONENT: MICHEAL FLEMING
24 DATE: JANUARY 18, 2023
25 REPORTER: KRYSTAL M BARNES

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<p>1 APPEARANCES</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF, JAMES FLETCHER:</p> <p>4 Mariah Garcia, Esquire</p> <p>5 Loevy & Loevy</p> <p>6 311 North Aberdeen</p> <p>7 3rd Floor</p> <p>8 Chicago, Illinois 60607</p> <p>9 Telephone No.: (312) 243-5900</p> <p>10 E-mail: mariah@loevy.com</p> <p>11 (Appeared via Videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANT, CITY OF CHICAGO:</p> <p>14 Paul A. Michalik, Esquire</p> <p>15 Reiter Burns</p> <p>16 311 South Wacker Drive</p> <p>17 Suite 5200</p> <p>18 Chicago, Illinois 60606</p> <p>19 Telephone No.: (312) 878-1294</p> <p>20 E-mail: pmichalik@reiterburns.com</p> <p>21 (Appeared via Videoconference)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX</p> <p>2</p> <p>3 Page</p> <p>4 PROCEEDINGS 6</p> <p>5 DIRECT EXAMINATION MS. GARCIA 8</p> <p>6 CROSS-EXAMINATION MR. STEFANICH 36</p> <p>7 EXAMINATION MR. MICHALIK 43</p> <p>8</p> <p>9 EXHIBITS</p> <p>10 Exhibit Page</p> <p>11 1 - Supplementary Report CITY-JF-203-207 15</p> <p>12 2 - Supplementary Report CITY-JF-208-209 30</p> <p>13 3 - General Progress Report CITY-JF-52 32</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, MICHAEL FLEMING:</p> <p>4 Lawrence Hyman, Esquire</p> <p>5 Lawrence H. Hyman & Associates</p> <p>6 111 West Washington</p> <p>7 Suite 1025</p> <p>8 Chicago, Illinois 60602</p> <p>9 Telephone No.: (312) 346-6766</p> <p>10 E-mail: hymanlaw@lhyman.com</p> <p>11 (Appeared via Videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANTS, JEROME BOGUCKI, ANTHONY</p> <p>14 NORADIN, RAYMOND SCHALK, ANTHONY WOJCIK:</p> <p>15 Brian Stefanich, Esquire</p> <p>16 Hale & Monico</p> <p>17 53 West Jackson Boulevard</p> <p>18 Suite 337</p> <p>19 Chicago, Illinois 60604</p> <p>20 Telephone No.: (312) 564-4924</p> <p>21 E-mail: bstefanich@halemonico.com</p> <p>22 (Appeared via Videoconference)</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 STIPULATION</p> <p>2</p> <p>3</p> <p>4 The VIDEO deposition of MICHAEL FLEMING was taken at</p> <p>5 CHURCHILL REPORTING, 110 NORTH WACKER DRIVE, CHICAGO,</p> <p>6 ILLINOIS 60606, via videoconference in which all</p> <p>7 participants attended remotely, on WEDNESDAY the 18TH</p> <p>8 day of JANUARY 2023 at 10:02 a.m.; said deposition was</p> <p>9 taken pursuant to the ILLINOIS Rules of Civil Procedure.</p> <p>10 The oath in the matter was administered remotely as</p> <p>11 permitted by Illinois Supreme Court Order No. 30370</p> <p>12 which amended Civil Rule 206(h).</p> <p>13 It is agreed that KRYSTAL M BARNES, being a Notary</p> <p>14 Public and Digital Reporter for the State of ILLINOIS,</p> <p>15 may swear the witness and that the reading and signing</p> <p>16 of the completed transcript by the witness is not waived.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 6</p> <p>1 PROCEEDINGS</p> <p>2 THE REPORTER: My name is Krystal Barnes, I'm</p> <p>3 the online video technician and court reporter today</p> <p>4 representing Kentuckiana Court Reporters, located at</p> <p>5 110 North Wacker Drive, Chicago, Illinois 60606.</p> <p>6 Today is the 18th day of January 2023, and the time</p> <p>7 is 10:04 a.m. Central Time.</p> <p>8 We are convened by video conference to take the</p> <p>9 deposition of Detective Michael Fleming in the</p> <p>10 matter of James Fletcher, Jr., v. Jerome Bogucki,</p> <p>11 Anthony Nor -- Noradin, Raymond Schalk, Anthony</p> <p>12 Wojcik, unknown City of Chicago police officers, and</p> <p>13 the City of Chicago, pending in the United States</p> <p>14 District Court for the Northern District of</p> <p>15 Illinois, the Eastern Division, case number</p> <p>16 20-CV-04768.</p> <p>17 Will everyone but the witness please state your</p> <p>18 appearance, how you are attending, and the location</p> <p>19 you are attending from, starting with the</p> <p>20 plaintiff's counsel?</p> <p>21 MS. GARCIA: Plaintiff's counsel, Mariah</p> <p>22 Garcia. I'm attending virtually. I'm also</p> <p>23 attending from the Chicagoland area.</p> <p>24 MR. MICHALIK: I'm Paul --</p> <p>25 MR. STEGANICH: Brian Stefanich --</p>	<p style="text-align: right;">Page 8</p> <p>1 swear or affirm that the testimony you are about to</p> <p>2 give will be the truth, the whole truth, and nothing</p> <p>3 but the truth?</p> <p>4 THE WITNESS: Yes, I do.</p> <p>5 THE REPORTER: Counsel may begin.</p> <p>6 DIRECT EXAMINATION</p> <p>7 BY MS. GARCIA:</p> <p>8 Q. Hi, Mr. Fleming. Can you please state your</p> <p>9 name and spell it for the record, please?</p> <p>10 A. Michael Fleming, F-L-E-M-I-N-G.</p> <p>11 Q. Okay. My name is Mariah Garcia, and I'm an</p> <p>12 attorney for the plaintiff, James Fletcher. Have you</p> <p>13 been deposed before, sir?</p> <p>14 A. Yes, I think sometime back.</p> <p>15 Q. Okay. Do you recall how many times you've</p> <p>16 been deposed before?</p> <p>17 A. No, I don't.</p> <p>18 Q. All right. Well, since it's been sometime and</p> <p>19 we're over Zoom, I'm just going to lay down a couple of</p> <p>20 ground rules, okay?</p> <p>21 A. Okay, sure.</p> <p>22 Q. Because we have a court reporter who is taking</p> <p>23 everything down, please keep your answers verbal and</p> <p>24 audible. So try not to nod or shake your head when</p> <p>25 you're answering. Answer with a full yes or no or with</p>
<p style="text-align: right;">Page 7</p> <p>1 MR. MICHALIK: Oh. Go ahead, Brian.</p> <p>2 MR. STEFANICH: Shit. Sorry, Paul. I'm Brian</p> <p>3 Stefanich, I represent Detectives Bogucki, Schalk,</p> <p>4 Noradin, and Sergeant Wojcik. I'm attending</p> <p>5 remotely from Wilmette.</p> <p>6 MR. MICHALIK: I'm Paul Michalik on behalf of</p> <p>7 Defendant City of Chicago. And for purposes of this</p> <p>8 deposition, Mr. Fleming, I am attending from Fort</p> <p>9 Myers, Florida.</p> <p>10 THE REPORTER: Sir, can you please state your</p> <p>11 full name for the record?</p> <p>12 THE WITNESS: Michael Fleming, F-L-E-M-I-N-G.</p> <p>13 THE REPORTER: And all parties agree that this</p> <p>14 is in fact, Mr. Fleming?</p> <p>15 THE WITNESS: Pardon me, ma'am?</p> <p>16 THE REPORTER: Oh, I was asking counsel if they</p> <p>17 all agree that you are who you say you are.</p> <p>18 MR. STEFANICH: Agreed.</p> <p>19 MS. GARCIA: Plaintiff agreed.</p> <p>20 MR. MICHALIK: Agreed.</p> <p>21 THE REPORTER: Perfect. Sir --</p> <p>22 MR. MICHALIK: And for the record, Mr. Hyman</p> <p>23 has just joined us.</p> <p>24 THE REPORTER: Oh, awesome. Can you raise your</p> <p>25 right hand for me please, sir? Do you solemnly</p>	<p style="text-align: right;">Page 9</p> <p>1 a full statement, okay?</p> <p>2 A. Okay.</p> <p>3 Q. If there's a question you don't understand,</p> <p>4 please let me know and I will rephrase it. Otherwise,</p> <p>5 I'm -- when you answer a question, I'm going to assume</p> <p>6 you understood the question, okay?</p> <p>7 A. Okay.</p> <p>8 Q. Attorneys on this Zoom may object, but unless</p> <p>9 counsel is instructing you not to answer, you can answer</p> <p>10 after the objections are stated, okay?</p> <p>11 A. Yes.</p> <p>12 Q. And I don't believe this is going to be a long</p> <p>13 deposition, but if you need a break at any time, please</p> <p>14 let me know and we can take a break once I've completed</p> <p>15 the line of questioning, okay?</p> <p>16 A. Okay.</p> <p>17 Q. All right. And Mr. Fleming, are you currently</p> <p>18 retired?</p> <p>19 A. Yes, I am.</p> <p>20 Q. Amazing. And you were employed with the</p> <p>21 Chicago Police Department, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And when did you leave the Chicago Police</p> <p>24 Department?</p> <p>25 A. In March of '96.</p>

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1 Q. '96. And once you left, did you seek
2 employment elsewhere or was that when you retired just
3 kind of from any employment?
4 A. Can you repeat that, ma'am?
5 Q. Sure. When you left the Chicago Police
6 Department in 1996, did you seek employment elsewhere?
7 A. Employment? No.
8 Q. Okay. And when you left the Chicago Police
9 Department in 1996, was that because you were entering
10 retirement?
11 A. Yes.
12 Q. And when you retired, what position had you
13 retained in the Chicago Police Department?
14 A. I was a detective.
15 Q. Okay. And when did you first join the Chicago
16 Police Department?
17 A. In March of 1970.
18 Q. Uh-huh. Six. Okay. And I will go back to
19 Chicago Police Department employment in a moment, but
20 first, I wanted to ask what you did to prepare for
21 today's deposition. So can --
22 A. I --
23 Q. -- you please state what you did to prepare?
24 A. I spoke with Mr. Michalik.
25 Q. Okay.

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1 A. And I reviewed -- I reviewed my case reports.
2 Q. Okay. And without going into the topic of
3 your conversation with Mr. Michalik, how many times did
4 you speak with him in preparation for today's
5 deposition?
6 A. In-person, twice.
7 Q. Okay. And do you recall when the first time
8 you spoke in-person to him was?
9 A. Well, I -- actually, I take that back. It was
10 one time in-person and one time on the phone.
11 Q. Okay. And do you recall when that first time
12 you spoke to him on the phone was?
13 A. A week or two ago.
14 Q. Okay. And how long did that conversation
15 last?
16 A. Oh, it could've been half-an-hour.
17 Q. Okay. And outside of yourself and Mr.
18 Michalik, was there anybody else who were -- was not
19 counsel that was on that line?
20 A. No.
21 Q. Okay. And when you spoke to him in-person the
22 second time in preparation for the deposition, do you
23 recall when that occurred?
24 A. This morning.
25 Q. Okay. And how long did the conversation this

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1 morning last?
2 A. Oh, maybe a half hour, 45 minutes.
3 Q. Okay. And you stated that you reviewed your
4 case report in this matter, correct?
5 A. Correct.
6 Q. And do you recall what documents were in that
7 case report?
8 A. As I recall, it's two supplemental case
9 reports.
10 Q. Okay. And how long did you take to review
11 those case reports?
12 A. Probably 20 minutes.
13 Q. Okay. And outside of your counsel who's there
14 with you today and Mr. Michalik, did you discuss this
15 case with anyone else other than your counsel?
16 A. No, I did not.
17 Q. Okay. Now, the case reports that we're going
18 to be speaking about today occurred -- were -- so ar --
19 about an incident that occurred in December of 1990.
20 So my first question is: What position within
21 the Chicago Police Department did you hold in December
22 of
23 1990?
24 A. I was a detective.
25 Q. Okay. And was there a specific shift that you

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1 were assigned as a detective at the time?
2 A. I was assigned to a shift. I -- I'm really
3 not sure if I was days or afternoons.
4 Q. Okay. And were you assigned to a specific
5 district or area within the City of Chicago?
6 A. Area 5, violent crimes.
7 Q. Okay. And as a detective in area 5 in
8 December of 1990, what were your roles and
9 responsibilities?
10 A. To investigate violent crimes.
11 Q. And how would you classify "violent crimes" in
12 this context?
13 A. In -- did you -- be -- can you be more
14 specific when you say -- regarding this case?
15 Q. No. As a detective within area 5.
16 A. Any violent crimes: Murder, assault, rapes,
17 robberies.
18 Q. Okay. And as a detective, did you work with a
19 partner?
20 A. At which time?
21 Q. In December of 1990.
22 A. No.
23 Q. Okay. Did you ever work with a partner as a
24 detective?
25 A. Yes.

<p style="text-align: right;">Page 14</p> <p>1 Q. And what was the process for being either</p> <p>2 assigned or having a partner as a detective?</p> <p>3 A. I do -- I don't know if it was a process. When</p> <p>4 I went to area 5 homicide, I was assigned with a</p> <p>5 Detective Lanners who I stayed with until he retired.</p> <p>6 Q. Okay. And was that before or after 1990?</p> <p>7 A. It was before.</p> <p>8 Q. Okay. And if you had wanted another partner</p> <p>9 after Detective Flanners [sic], would you -- would that</p> <p>10 be something that you would've been able to have at the</p> <p>11 time?</p> <p>12 A. Sure.</p> <p>13 Q. Okay. And why did you decide not to seek</p> <p>14 another partner after Detective Flanners?</p> <p>15 A. It wasn't a question of not seeking, it was a</p> <p>16 question of which was -- which would be more beneficial.</p> <p>17 I would team up with other detectives on investigations</p> <p>18 at my request or their request, and that seemed to work</p> <p>19 fine.</p> <p>20 Q. Okay. Now, let's talk about the date of the</p> <p>21 incident itself, December 21st of 1990. Mr. Fleming, do</p> <p>22 you have an independent recollection of the</p> <p>23 investigation into the homicide of Willie Sorrell on</p> <p>24 December 21st, 1990?</p> <p>25 A. I do not.</p>	<p style="text-align: right;">Page 16</p> <p>1 For example, do you have this case report in front of</p> <p>2 you?</p> <p>3 MR. MICHALIK: Mariah, I have a version of that</p> <p>4 case report. Would you like me to give it to</p> <p>5 Mr. Fleming?</p> <p>6 MS. GARCIA: Sure, I just think it might be</p> <p>7 easier for him. I'm happy to keep it up on the</p> <p>8 screen, and I will for purposes of the recording.</p> <p>9 But, you know, I know it's sometimes hard to read on</p> <p>10 a laptop screen.</p> <p>11 MR. MICHALIK: It is. And just to be clear,</p> <p>12 this is the sup report that's dated December 21,</p> <p>13 1990?</p> <p>14 MS. GARCIA: Yes.</p> <p>15 MR. MICHALIK: Okay. Yes, he's got a copy in</p> <p>16 front of him.</p> <p>17 BY MS. GARCIA:</p> <p>18 Q. Okay. So Mr. Fleming, on Page 1 of the sup</p> <p>19 lepor -- the sup report, it says, "Michael Fleming" at</p> <p>20 the bottom of the page. Do you see that?</p> <p>21 A. Yes, I do.</p> <p>22 Q. And there's a signature below it. Is that</p> <p>23 your signature?</p> <p>24 A. Yes, it is.</p> <p>25 Q. Okay. And as you stated before, upon review,</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Okay. And I -- you said that you had reviewed</p> <p>2 your case file in this matter, correct?</p> <p>3 A. That's correct.</p> <p>4 Q. Did reviewing this case file refresh your</p> <p>5 recollection as to the investigation into Mr. Sorrell's</p> <p>6 homicide investigation?</p> <p>7 A. It did not.</p> <p>8 Q. Okay. Well, I'm going to pull up one of the</p> <p>9 supplemental reports, and let's just go through it and</p> <p>10 see if there's anything that jumps out at you once we</p> <p>11 do. One moment, I need to share my screen. For the</p> <p>12 record, this is Exhibit 1 and it's Bates CITY-JF 203 to</p> <p>13 207. And the Bates may not be exactly what you may have</p> <p>14 reviewed, Mr. Fleming. But first, can you see this</p> <p>15 exhibit that I'm sharing on the screen?</p> <p>16 (EXHIBIT 1 MARKED FOR IDENTIFICATION)</p> <p>17 A. Yes, I can.</p> <p>18 BY MS. GARCIA:</p> <p>19 Q. Okay. And I'm going to scroll through it just</p> <p>20 quickly, but I will go slowly as we go through it just</p> <p>21 so that I can ask whether this is the -- one of the case</p> <p>22 reports that you reviewed prior to the deposition.</p> <p>23 A. It appears to be.</p> <p>24 Q. Okay. And one thing I didn't ask at the</p> <p>25 beginning is: Do you have any papers in front of you?</p>	<p style="text-align: right;">Page 17</p> <p>1 this did not refresh recollection as to the</p> <p>2 investigation into Willie Sorrell's homicide, correct?</p> <p>3 A. That's correct.</p> <p>4 Q. Okay. Now, aside of that, do you have any</p> <p>5 reason to disbelieve the information that is contained</p> <p>6 in this report?</p> <p>7 A. No, I don't.</p> <p>8 Q. Okay, so let's go first to Page 3. And</p> <p>9 there's a paragraph that says "PERSONNEL ASSIGNED," and</p> <p>10 then there's a list of detectives and sergeants and</p> <p>11 other Chicago Police Department personnel. Do you see</p> <p>12 that on Page 3?</p> <p>13 A. Yes, I do.</p> <p>14 Q. Okay. Do you have any reason to believe --</p> <p>15 actually, strike that. Does this paragraph, for a given</p> <p>16 definition of paragraph, refresh your recollection as to</p> <p>17 who was on the scene with you on December 21st, 1990?</p> <p>18 A. It does, except Detective Salvi. I don't</p> <p>19 think she was on the scene.</p> <p>20 Q. Okay. And can you expand on that for me?</p> <p>21 A. According to my report, Detective Salvi</p> <p>22 covered the hospital --</p> <p>23 Q. Okay.</p> <p>24 A. -- where the body was -- where the -- the</p> <p>25 victim was taken.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q. Okay. And outside of Detective Salvi, is</p> <p>2 there any other personnel that you recall being there</p> <p>3 that is not listed in this paragraph?</p> <p>4 A. No.</p> <p>5 Q. Okay. And within the report, there were</p> <p>6 several witnesses that are specified. Namely, Edward</p> <p>7 Cooper, Sheene Friend, Emmett Wade, and Terry Rogers. Do</p> <p>8 you recall speaking to anybody outside of Edward Cooper,</p> <p>9 Sheene Friend, Emmett Wade, and Terry Rogers on December</p> <p>10 21st, 1990, as far as witnesses go?</p> <p>11 A. No.</p> <p>12 Q. Okay. And do you recall speaking with Edward</p> <p>13 Cooper at all?</p> <p>14 A. No.</p> <p>15 Q. Okay. And when was the last time that you</p> <p>16 read this police report? Because I don't want to be</p> <p>17 asking you questions if you haven't had a chance to</p> <p>18 review it any time recently.</p> <p>19 A. I looked at it briefly this morning.</p> <p>20 Q. Okay. And just for the purposes of being as</p> <p>21 thorough and accurate as possible, would you please just</p> <p>22 review this police report for me one more time and then</p> <p>23 let me know when you're done?</p> <p>24 A. You want me to read the entire report?</p> <p>25 Q. Yes, please.</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Your Page 6, you mean, right?</p> <p>2 Q. Page 6, the -- is that the -- I have it as</p> <p>3 Page --</p> <p>4 A. Oh. Oh, Page 5. Okay, I got you. Yeah, I'm</p> <p>5 sorry.</p> <p>6 Q. Yes, don't worry about it.</p> <p>7 A. I'm not.</p> <p>8 Q. I know, and it's -- we're looking at two</p> <p>9 different things right now, but it's the paragraph that</p> <p>10 --</p> <p>11 A. Yes, I have it.</p> <p>12 Q. -- details the Terry Rogers conversation.</p> <p>13 A. Okay.</p> <p>14 Q. Now, I'm not going to ask you if you recall</p> <p>15 anything else outside of the report since you've stated</p> <p>16 you do not. But I wanted to ask you about this</p> <p>17 particular sentence where it stated, "ROGERS viewed</p> <p>18 photos in the area 5 V/Cs with" -- negative --</p> <p>19 "results." Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Do you recall showing or having</p> <p>22 Mr. Rogers view photos in area 5?</p> <p>23 A. No, I do not.</p> <p>24 Q. Okay. And I wanted to ask a little bit more of</p> <p>25 a procedural question. In an instance where someone</p>
<p style="text-align: right;">Page 19</p> <p>1 A. Yes. Okay.</p> <p>2 Q. Okay. And so now that you had a chance to</p> <p>3 review, does this refresh your recollection at all as to</p> <p>4 your conversation with Edward Cooper on December 21st,</p> <p>5 1990?</p> <p>6 A. No, it does not.</p> <p>7 Q. Okay. Now, that you've had a chance to review</p> <p>8 this report, does this at all refresh your recollection</p> <p>9 as to the conversation that you had with Sheene Friend</p> <p>10 on December 21st, 1990?</p> <p>11 A. No, it does not.</p> <p>12 Q. Okay. And after you've had a chance to</p> <p>13 review, does this report at all refresh your</p> <p>14 recollection as to the conversation you had with Emmett</p> <p>15 Wade on December 21st, 1990?</p> <p>16 A. No, it does not.</p> <p>17 Q. Okay. And after having a chance to review,</p> <p>18 does this at all refresh your recollection as to the</p> <p>19 conversation you had with Terry Rogers on December 21st,</p> <p>20 1990?</p> <p>21 A. No, it does not.</p> <p>22 Q. Okay. After -- sorry, strike that. I wanted</p> <p>23 to go to the last page of the report, Page 5. Where the</p> <p>24 paragraph at the bottom that is about your -- in</p> <p>25 conversation with Terry Rogers.</p>	<p style="text-align: right;">Page 21</p> <p>1 like Mr. Rogers would view photos in area 5, what was</p> <p>2 the procedure for putting those photos together?</p> <p>3 A. I -- I would have to assume be it -- applying</p> <p>4 to this case, that he was -- he handed several large</p> <p>5 binders of photos --</p> <p>6 Q. Okay. And when it says --</p> <p>7 A. -- to review.</p> <p>8 Q. Oh, sorry. I didn't mean to cut you off,</p> <p>9 Mr. Fleming. Where it says -- what does "V/C" in this</p> <p>10 context mean?</p> <p>11 A. Pardon me?</p> <p>12 Q. What does "V/C" in this context mean? So it</p> <p>13 says, "ROGERS viewed photos in area 5 V/Cs with" -</p> <p>14 "negative" -- "results." What does "V/C" mean?</p> <p>15 A. Violent crimes.</p> <p>16 Q. Okay. And according -- sorry, strike that.</p> <p>17 Per your time within Chicago Police Department as a</p> <p>18 detective, when witnesses viewed photos in area 5, was</p> <p>19 there a specific area where that -- they viewed in the</p> <p>20 building itself, or could it be somewhere else that they</p> <p>21 viewed these photos?</p> <p>22 A. It -- it's really too general of a question.</p> <p>23 It -- it could be in the photo room, it could be in the</p> <p>24 squad room, it could be in an interview room, anywhere.</p> <p>25 Q. Okay. And I know that at some point --</p>

<p style="text-align: right;">Page 22</p> <p>1 actually, strike that. Are you familiar with the</p> <p>2 practice of showing witnesses photo arrays?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And was that a practice that was</p> <p>5 utilized by the Chicago Police Department in 1990?</p> <p>6 A. I would think so, yes.</p> <p>7 Q. Okay. So is it possible that Mr. Rogers was</p> <p>8 viewing a photo array in area 5 on December 21st, 1990?</p> <p>9 MR. MICHALIK: Object to the form of the</p> <p>10 question. Go ahead.</p> <p>11 MS. GARCIA: You can --</p> <p>12 THE WITNESS: You'd -- you'd have to be more</p> <p>13 specific as far as what's a photo array -- array.</p> <p>14 BY MS. GARCIA:</p> <p>15 Q. Sure. For -- in my understanding, a photo</p> <p>16 array is different photos put in one, you know, sheet of</p> <p>17 paper, one laminated piece of paper versus what you were</p> <p>18 describing before of having binders that you might show</p> <p>19 to someone. Does that make sense?</p> <p>20 A. Yes. Yes.</p> <p>21 Q. And so do you recall, one way or the other in</p> <p>22 this instance, whether it was a photo array that was</p> <p>23 utilized or the showing of pictures in binders?</p> <p>24 A. I don't recall.</p> <p>25 Q. Okay. And as a detective, when you had a</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. MICHALIK: Object to form. Foundation.</p> <p>2 THE WITNESS: It -- it's too general of a</p> <p>3 question. If you could be more specific, I'd -- I'd</p> <p>4 certainly try to answer it.</p> <p>5 BY MS. GARCIA:</p> <p>6 Q. Sure. You can agree -- actually, strike that.</p> <p>7 In this instance, Rogers viewed photos in area 5,</p> <p>8 correct?</p> <p>9 A. According to my report, that's correct.</p> <p>10 Q. Okay. And in instances where you showed</p> <p>11 witnesses photographs when investigating a violent</p> <p>12 crime, what source or sources did you utilize to compile</p> <p>13 those photographs?</p> <p>14 A. Photographs that were available.</p> <p>15 Q. Photographs that were what? Sorry, I -- I --</p> <p>16 I didn't hear the last part.</p> <p>17 A. Available.</p> <p>18 Q. And what does "available" mean in this</p> <p>19 context?</p> <p>20 A. That -- that were present -- at -- at that</p> <p>21 time, that were present in the -- in the area.</p> <p>22 Q. Okay. And was that area 5 you're talking</p> <p>23 about?</p> <p>24 A. Yes. Yes.</p> <p>25 Q. And was there some sort of database or -- and</p>
<p style="text-align: right;">Page 23</p> <p>1 witness who was going to view a photo, would you compile</p> <p>2 the pictures yourself or was there someone else that had</p> <p>3 that responsibility?</p> <p>4 MR. MICHALIK: Object to the form of the</p> <p>5 question. Incomplete hypothetical. You can answer,</p> <p>6 if you can.</p> <p>7 THE WITNESS: It's -- it -- it's too general to</p> <p>8 -- to say there. I -- I can't answer you, so I'd</p> <p>9 have to say I don't recall any procedure like you're</p> <p>10 mentioning.</p> <p>11 BY MS. GARCIA:</p> <p>12 Q. So do you recall ever compiling photos</p> <p>13 yourself to show witnesses when investigating a violent</p> <p>14 crime?</p> <p>15 A. I don't recall specifically, but I probably</p> <p>16 did, yes.</p> <p>17 Q. Okay. And do you recall having other people</p> <p>18 compile photos for you when you wanted to show a witness</p> <p>19 photographs of a potential suspect?</p> <p>20 A. I don't recall.</p> <p>21 Q. Okay. And so you're unsure of whether --</p> <p>22 actually, strike that. When these photo arrays were</p> <p>23 compiled -- as you said, you recalled compiling it at</p> <p>24 least once, what source or database did you pull photos</p> <p>25 from when compiling photos to show a witness?</p>	<p style="text-align: right;">Page 25</p> <p>1 I understand this is, you know, in 1990, when computers</p> <p>2 were not as utilized as they are now. But when you say</p> <p>3 "available," do you mean in -- you know, you're pulling</p> <p>4 from a database or you're pulling from some sort of hard</p> <p>5 copy in the building itself?</p> <p>6 A. These -- these -- these photos, they're hard</p> <p>7 copies. They were obtained from penitentiary releases,</p> <p>8 recent arrests. They were a -- you know, official</p> <p>9 photographs put in big binders and viewed by -- now, in</p> <p>10 -- in this case, there was no suspects even suspected,</p> <p>11 so I'm sure -- I feel relatively sure that he would've</p> <p>12 looked at the big binders since I had no idea who the</p> <p>13 offenders were, nor did he.</p> <p>14 Q. Okay. And did the big binders -- actually,</p> <p>15 strike that. Were these -- the binders standard across</p> <p>16 -- actually, strike that again. In instances where you</p> <p>17 didn't have any sort of lead as to who you may be</p> <p>18 investigating, were the binders that you utilized</p> <p>19 standard from witness to witness? In that, I mean,</p> <p>20 would it have been -- if you had someone else who came</p> <p>21 in the same day as Mr. Rogers to view something</p> <p>22 completely unrelated, but still a violent crime and you</p> <p>23 had no lead on that investigative matter, would you have</p> <p>24 shown that person the same binders that Mr. Rogers</p> <p>25 viewed in area 5?</p>

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1 A. No.

2 Q. Okay. So was there some sort of sorting

3 mechanism for which you would decide which binders to

4 show which suspects in the instance where you didn't

5 have a distinct lead you were going off of?

6 A. I would think, age.

7 Q. Okay.

8 A. Race.

9 Q. Okay.

10 A. Sex.

11 Q. Okay.

12 A. And possible physical description.

13 Q. Okay. And in instances where you showed a

14 witness binders, would the pictures that you showed that

15 witness be memorialized in any form?

16 A. If there was identification, yes.

17 Q. Okay. And would there -- strike that. Per

18 your time as a detective within Chicago Police

19 Department, when you were showing witnesses binders of

20 photographs, would you ever demarcate which photographs

21 you had shown the witness, even if there wasn't an

22 identification?

23 A. In the binders?

24 Q. Yes.

25 A. No.

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1 Q. Okay. I wanted to go just with a sentence

2 above the sentence we just spent a long time on, which

3 is, "While" -- they're -- "running he" -- he being Terry

4 Rogers -- "heard one of the men call" -- to -- "the

5 other to hurry up and he called him by the name

6 FLETCHER." Do you see that?

7 A. Just a minute, I'm looking.

8 Q. Of course.

9 A. Yes. Yes, I di -- I found it.

10 Q. Okay. And do you recall whether -- when you

11 were showing Mr. Rogers the photos in area 5, whether

12 you looked for the name "Fletcher" when compiling the

13 photos to show Mr. Rogers?

14 MR. MICHALIK: Object to the form of the

15 question. That mischaracterizes his testimony

16 regarding the photos.

17 THE WITNESS: Can you repeat that, ma'am?

18 BY MS. GARCIA:

19 Q. Sure. When -- do you recall, in showing

20 Mr. Rogers the photos in area 5, whether the photos

21 themselves were sorted by any persons who had the name

22 of Fletcher, whether first or last?

23 A. No.

24 Q. Okay. And if you had a name, is that a method

25 for which you would sort photos to show witnesses when

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1 investigating a violent crime?

2 MR. MICHALIK: Object to the form. Incomplete

3 hypothetical.

4 THE WITNESS: I would say normally, no.

5 BY MS. GARCIA:

6 Q. Okay. And --

7 THE WITNESS: And in this case, no.

8 BY MS. GARCIA:

9 Q. Sure. Do you recall ever following up to

10 investigate whether or not there was someone named

11 Fletcher who was involved in December 21st, 1990?

12 A. No, I don't.

13 Q. Okay. Do you recall whether or not another

14 Chicago Police Department officer followed up on whether

15 or not there was a personed [sic] named Fletcher who was

16 involved in the homicide of Willie Sorrell?

17 A. No, I do not.

18 Q. Okay. And then I'm going to have you go up

19 two more sentences in the same paragraph. Sorry I'm

20 going in reverse, but I think it makes more sense.

21 Sequentially, that starts with, "He stated that he got a

22 good look at one of the men and remember seeing him in

23 the area of Parkside and Madison off and on for the past

24 month. He stated that" -- that -- "man is a narcotics

25 user." Do you see that?

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1 A. Yes.

2 Q. Okay. Do you recall whether or not you asked

3 him the name of the man who he recalled seeing in the

4 area of Parkside and Madison?

5 A. I do not.

6 Q. Okay. Do you recall following up and

7 investigating persons within that area to see whether or

8 not they may have been involved in the homicide of

9 Willie Sorrell?

10 A. No.

11 Q. Okay. Do you recall any other Chicago Police

12 Department officers following up on Mr. Rogers' claim

13 that he had seen one of the men in Parkside and Madison

14 in the past month?

15 A. No, I do not.

16 Q. Okay. And do you recall whether he stated

17 that the name of the person who he had saw in the area

18 of Parkside and Madison was Fletcher?

19 A. Say that again, please?

20 Q. Do you recall whether Mr. Rogers stated that

21 the person he had seen in the area of Parkside and

22 Madison was named Fletcher, either first or last name?

23 A. No, I do not.

24 Q. Okay. If Mr. Rogers had stated that he knew

25 the name of the person who was in the area of Parkside

<p style="text-align: right;">Page 30</p> <p>1 and Madison when you interviewed him, would you have</p> <p>2 included that in this report?</p> <p>3 A. Yes, I would.</p> <p>4 Q. Okay. After -- and I understand you don't</p> <p>5 have an independent recollection of this matter, so I'm</p> <p>6 not trying to fish or anything. But after the</p> <p>7 investigation into Willie Sorrell's murder on December</p> <p>8 21st, 1990, did you have any other -- did you -- sorry,</p> <p>9 strike that. Did you work on this case after this</p> <p>10 initial investigation on December 21st, 1990?</p> <p>11 A. Yes, I did.</p> <p>12 Q. Okay. And do you have an independent</p> <p>13 recollection of the work that you did on this case?</p> <p>14 A. No, I don't.</p> <p>15 Q. Okay.</p> <p>16 A. According to my report is all I can do.</p> <p>17 Q. Okay. And so I think that leads me into our</p> <p>18 second exhibit here, which is the supplemental report</p> <p>19 also dated -- actually, I believe it was dated December</p> <p>20 22nd, 1990.</p> <p>21 (EXHIBIT 2 MARKED FOR IDENTIFICATION)</p> <p>22 A. Yes, that's right.</p> <p>23 BY MS. GARCIA:</p> <p>24 Q. And for the record, this is Exhibit 2. It is</p> <p>25 Bates range 208 to 209. That's CITY-JF 208 to 209. And</p>	<p style="text-align: right;">Page 32</p> <p>1 A. I do not.</p> <p>2 Q. Okay. And after arresting Mr. Cooper on</p> <p>3 December 22nd, 1990, did you work or investigate any</p> <p>4 further into either the homicide of Mr. Sorrell or the</p> <p>5 arrest of Mr. Cooper?</p> <p>6 A. I don't recall doing that.</p> <p>7 Q. Okay. I'm going to pull up Exhibit 3, and it</p> <p>8 is Bates CITY-JF 52. It's only one page. And can you</p> <p>9 see that on your screen, Mr. Fleming?</p> <p>10 (EXHIBIT 3 MARKED FOR IDENTIFICATION)</p> <p>11 A. Yes, I see it.</p> <p>12 BY MS. GARCIA:</p> <p>13 Q. Okay. It's dated March 19th, '95. I'll give</p> <p>14 you a moment to review this and just let me know when</p> <p>15 you're done, okay?</p> <p>16 A. Okay. Okay.</p> <p>17 Q. Okay. Did you have any involvement in the</p> <p>18 investigation detailed on this page by Detective Bogucki</p> <p>19 and Detective Schalk?</p> <p>20 A. No.</p> <p>21 Q. Okay. Did either Detective Bogucki or</p> <p>22 Detective Schalk reach out to you in 1995 to ask you</p> <p>23 about your involvement in the investigation in 1990?</p> <p>24 A. Not that I recall.</p> <p>25 Q. Okay. And do you know of any other officers</p>
<p style="text-align: right;">Page 31</p> <p>1 Mr. Fleming, is this the other case report that you</p> <p>2 reviewed in preparation for your deposition?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And on Page 1, it has your name at the</p> <p>5 bottom of the page. Do you see that?</p> <p>6 A. That's correct.</p> <p>7 Q. And there's a signature underneath that name.</p> <p>8 Is that your signature?</p> <p>9 A. That is my signature.</p> <p>10 Q. Okay. And after a review of this document --</p> <p>11 actually, strike that. Is this one of the documents</p> <p>12 that you reviewed this morning?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And after a review of this document, do</p> <p>15 you have any reason to believe that it is not truthful</p> <p>16 and accurate?</p> <p>17 A. I do not.</p> <p>18 Q. Okay. And do you have an independent</p> <p>19 recollection of the events within this report that is</p> <p>20 dated December 26th, 1990?</p> <p>21 A. I do not.</p> <p>22 Q. Okay. And in the report, it details placing</p> <p>23 Mr. Cooper under arrest for the aggravated assault of</p> <p>24 Emmett Wade and gun charges. Do you recall placing</p> <p>25 Mr. Cooper under arrest on December 22nd, 1990?</p>	<p style="text-align: right;">Page 33</p> <p>1 outside of Bogucki and Schalk, as you can see in this</p> <p>2 report, who did further investigation into the homicide</p> <p>3 of Mr. Sorrell on December 21st, 1990?</p> <p>4 A. No, I do not.</p> <p>5 Q. Did you have any involvement in this case when</p> <p>6 Detectives Bogucki and Schalk began reinvestigating it</p> <p>7 in 1995?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Okay. And I will -- strike that. Do you</p> <p>10 recall being involved in this case in any other shape or</p> <p>11 form after 1995?</p> <p>12 A. I do not.</p> <p>13 Q. Okay. Do you recall being involved in this</p> <p>14 case when it was reinvestigated in 2002?</p> <p>15 A. I do not.</p> <p>16 Q. Okay. Do you recall any involvement into the</p> <p>17 arrest of Terry Rogers on February 11th, 2002?</p> <p>18 A. I do not.</p> <p>19 Q. Okay. And outside of Bogucki and Schalk, did</p> <p>20 you ever speak to Anthony Noradin about the</p> <p>21 investigation into the homicide of Willie Sorrell on</p> <p>22 December 21st, 1990?</p> <p>23 A. No.</p> <p>24 MR. MICHALIK: All right, let me just object to</p> <p>25 the form of that question. It suggests that he</p>

<p style="text-align: right;">Page 34</p> <p>1 might have talked to Bogucki and Schalk. That was</p> <p>2 not his testimony. You might want to rephrase.</p> <p>3 BY MS. GARCIA:</p> <p>4 Q. Oh. Oh, my apologies. I -- you had already</p> <p>5 stated you didn't talk with them, so I will rephrase</p> <p>6 that. Did you -- and maybe I'll just do it this way:</p> <p>7 Did you speak with Detective Bogucki at all about the</p> <p>8 Willie Sorrell investigation?</p> <p>9 A. Not that I recall.</p> <p>10 Q. Okay. Do you recall speaking with Detective</p> <p>11 Schalk at all about the Willie Sorrell investigation?</p> <p>12 A. Not that I recall.</p> <p>13 Q. Okay. Do you recall speaking with -- I</p> <p>14 believe he was detective, but he may have just been</p> <p>15 Officer Noradin, about the Willie Sorrell investigation?</p> <p>16 A. Not that I recall.</p> <p>17 Q. Okay. And do you recall speaking with Anthony</p> <p>18 Wojcik about the Willie Sorrell investigation?</p> <p>19 A. Not that I recall.</p> <p>20 Q. Okay. Do you recall ever investigating a</p> <p>21 person named James Fletcher in connection with the</p> <p>22 Willie Sorrell investigation?</p> <p>23 A. Say that again?</p> <p>24 Q. Do you recall ever investigating a person</p> <p>25 named James Fletcher in connection with the Willie</p>	<p style="text-align: right;">Page 36</p> <p>1 do this.</p> <p>2 MS. GARCIA: Here, there you go.</p> <p>3 MR. STEFANICH: Yeah. Thank you.</p> <p>4 CROSS-EXAMINATION</p> <p>5 BY MR. STEFANICH:</p> <p>6 Q. Detective Fleming, my name's Brian Stefanich.</p> <p>7 I represent Detectives Bogucki, Schalk, Noradin, and</p> <p>8 Sergeant Wojcik in this case. I have a few questions on</p> <p>9 your sup report, which we've marked as Exhibit number 1</p> <p>10 in this deposition. This report is dated December 21st,</p> <p>11 1990; is that correct?</p> <p>12 A. 21st? Yes, that's correct.</p> <p>13 Q. Okay. And that was the day of the robbery; is</p> <p>14 that correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Okay. And when you wrote this report, you</p> <p>17 remembered what the witnesses had told you; is that</p> <p>18 correct?</p> <p>19 MS. GARCIA: Object to form. Sorry. Go ahead</p> <p>20 and answer, Mr. Fleming.</p> <p>21 THE WITNESS: Say that again?</p> <p>22 BY MR. STEFANICH:</p> <p>23 Q. Sure. When you wrote this report, you had</p> <p>24 knowledge of what the four witnesses had told you; is</p> <p>25 that correct?</p>
<p style="text-align: right;">Page 35</p> <p>1 Sorrell homicide investigation?</p> <p>2 A. Not that I recall.</p> <p>3 Q. Okay. And do you recall ever investigating a</p> <p>4 person named Arnold Dixon during the investigation into</p> <p>5 Willie Sorrell's homicide?</p> <p>6 A. Not that I recall.</p> <p>7 Q. Okay. And do you recall speaking with any of</p> <p>8 the witnesses we talked about earlier, those being</p> <p>9 Edward Cooper, Emmett Wade, Sheened [sic] Friend, or</p> <p>10 Terry Rogers after December of 1990?</p> <p>11 A. Not that I recall.</p> <p>12 MS. GARCIA: Okay. I don't have any further</p> <p>13 questions.</p> <p>14 MR. STEFANICH: Okay, I'm going to have some</p> <p>15 questions. Mariah, sorry. Could you actually leave</p> <p>16 Exhibit number 1 up on the screen?</p> <p>17 MS. GARCIA: Yep.</p> <p>18 MR. STEFANICH: Thanks.</p> <p>19 MS. GARCIA: One second. I think I actually</p> <p>20 can give you the ability to actually control this.</p> <p>21 One second. All right, Brian. You should be able</p> <p>22 to control the scroll now.</p> <p>23 MR. STEFANICH: Oops.</p> <p>24 MS. GARCIA: Uh-huh.</p> <p>25 MR. STEFANICH: All right, let's see if I can</p>	<p style="text-align: right;">Page 37</p> <p>1 A. That's correct.</p> <p>2 Q. Okay. And I believe you stated that you had</p> <p>3 no reason to believe that this report is inaccurate; is</p> <p>4 that correct?</p> <p>5 A. That this report is what?</p> <p>6 Q. Sure. You ha -- let me rephrase. This report</p> <p>7 is accurate. You accurately reflected what the</p> <p>8 witnesses told you, correct?</p> <p>9 A. That's correct, absolutely.</p> <p>10 Q. I want to first go down to Terry Rogers. You</p> <p>11 interviewed him at area 5?</p> <p>12 A. That's correct.</p> <p>13 Q. Okay. And during the interview with Terry --</p> <p>14 A. According to my report, that's correct.</p> <p>15 Q. Sure. And during the interview with Terry</p> <p>16 Rogers, he gave you a name of -- gave you a potential</p> <p>17 name of one of the offenders, correct?</p> <p>18 A. He gave me a name -- according to my report,</p> <p>19 he gave me a name of one of the offenders called the</p> <p>20 other offender.</p> <p>21 Q. Okay. And what was that name?</p> <p>22 A. Fletcher.</p> <p>23 Q. Can you just read for the record what --</p> <p>24 according to your report, what Terry Rogers told you</p> <p>25 during your interview with him?</p>

<p style="text-align: right;">Page 38</p> <p>1 A. Sure. Terry Rogers "stated he was standing in 2 a door-way at 5611" - "West" -- "Madison and observed 3 his Cousin COOPER exiting uncle Remis's restaurant at 4 5611" - "West" -- "Madison. He exchanged a few words 5 with COOPER and then COOPER returned to his truck. He 6 then looked away and a few minutes later he saw two 7 offenders exit COOPER'S truck in a 'hurry'. He then 8 heard shots and knew that" -- that -- that -- "something 9 had went down in COOPER'S truck. He then ran behind 10 COOPER who was running after the two offenders. He 11 feels that COOPER fired about 4 shots at the" -- two -- 12 "men. He stated that he got a look at one of the men 13 and remembers seeing him in the area of Parkside and 14 Madison off and on for the past month. He stated that 15 the man is a narcotic user. While they were running he 16 heard one of the men call the other to hurry up and he 17 called him by the name FLETCHER. ROGERS viewed photos at 18 area 5" -- violent crimes -- "area 5 V/Cs with" -- 19 negative -- "results. He stated that COOPER had a 20 chrome handgun but when they got to" -- the -- "Parkside 21 in Washington he did not go back to the scene with 22 COOPER and therefore does not know what COOPER did with 23 his gun. He stated that he can identify at least one of 24 the offenders if seen again." 25 Q. Okay, I want to do the same thing with two</p>	<p style="text-align: right;">Page 40</p> <p>1 find the offenders later. COOPER and ROGERS observed the 2 offenders enter a building at 5657 West Washington 3 Boulevard. COOPER and ROGERS observed the offenders 4 entered the building at 5657 West Washington Boulevard. 5 They then returned to the scene and directed the police 6 back to 5657 West Washington Boulevard. COOPER denies 7 having a gun and agreed to a GSR test area 5 violent 8 crimes. The test samples were obtained by the Crime Lab 9 personnel." 10 Q. Okay. And then finally, the next summary of 11 the witness interview on this page is Sheene Friend. Can 12 you, for the record, read according to your report what 13 Ms. Friend told you when you interviewed her? 14 A. Yes. She "stated in summary but not verbatim, 15 that she was washing her clothes at the laundromat at 16 5640 West Madison and observed COOPER in his bread 17 truck. She needed \$3 to purchase bleach and was talking 18 to COOPER just inside his step van. She gave the same 19 account of the offenders entering the van and robbing 20 COOPER. She stated she heard approximately 6 shots and 21 felt that it was CROSS FIRE between the offenders and 22 COOPER. She stated that she observed COOPER and ROGERS 23 running after the robbery offenders and heard shots but 24 did not see COOPER with a gun. She states" -- that -- 25 "that she can identify the offenders if she sees them</p>
<p style="text-align: right;">Page 39</p> <p>1 other witnesses. The first is Edwad -- Edward Cooper. 2 On Page 4 of your report, the top of Page 4, can you 3 read for the record, according to your report, what 4 Edward Cooper told you when you interviewed him? 5 A. Yes, sir. Edward Cooper "stated that he just 6 made a delivery at Remis's restaurant at" -- 57 - "5611 7 West Madison Street and that he had double parked his 8 Holsum bread truck at this location. While standing in 9 his step van he was approached by a friend of his" -- he 10 was approached by a friend of his - "last name is Friend 11 Sheene who stepped in to the van to talk. At this time 12 he was approached by the" -- offender or -- "offenders 13 who displayed handguns and told him, 'GIVE ME YOUR 14 MONEY, ITS NOT YOURS, IT BELONGS TO THE COMPANY, YOU 15 DON'T WANT TO GET KILLED FOR THE COMPANY MONEY.' At 16 this time he gave them approximately \$30.00 from his 17 left pants pocket. Offender #1 then searched him and 18 took approximately 300 from his right" front pocket -- 19 "pants pocket. He stated that FRIEND then ran from the 20 truck and the offenders also ran. He stated that he 21 then ran after the offenders who were shooting at him. 22 While chasing the offenders he met a cousin" -- Terry -- 23 "ROGERS Terry who told him to be careful as he knew them 24 and they" -- were -- and they "will shoot him. He goes 25 on to say that ROGERS told him that he will help COOPER</p>	<p style="text-align: right;">Page 41</p> <p>1 again and agreed to view photos in area 5 V/CS." 2 Q. Okay. And then according to your report, it 3 looks like you interviewed Edward Cooper again; is that 4 correct? 5 A. That's correct. 6 Q. Okay. And according to your report, what did 7 Mr. Cooper tell you during this second interview? 8 A. Okay. Mr. Cooper, "Upon further questioning 9 and after being advised of his rights again by Detective 10 Fleming stated he was on probation for possession of 11 cocaine and was worried about losing his job, but now" - 12 - he -- "wanted to tell the truth. He stated in summary 13 but not verbatim that he did have a 38" -- caliber, 14 chrome in color -- 30 [sic] "caliber revolver chrome in 15 color which he carried in his bread truck for 16 protection. After the robbery he exited his truck with 17 his gun and one of the offenders fired at him. He fired 18 at the offenders while standing next to his truck. He 19 then went" -- to the re -- "to the rear of his truck and 20 fired two more shots at the offenders who were running 21 westbound in the middle of Madison Street. He then ran 22 after the offenders Northbound on Parkside and fired one 23 or two more shots at the offenders on Parkside Just 24 North of Madison Street". He's -- "He is not sure but 25 feels that he did not hit the offenders with any of his</p>

<p style="text-align: right;">Page 42</p> <p>1 shots. He was not aware that he hit" -- vic -- "vehicle 2 number 3's windshield. He stated that he last saw the 3 offenders" -- I'm having a little trouble lining this 4 up, but -- the offenders "near the building at 5 Washington and Parkside and felt that they ran into the 6 building at 5657 West Washington." One of his -- "On 7 his way back he put the gun under a bag between two 8 dumpsters in the alley at approximately 5680 West 9 Madison and told a male, black, approximate age 50 known 10 to him as WILLIE who is an employee of" -- the -- 11 "GOLD STAR FOODS at 5680 West Madison Street to get the 12 gun and hold it for him. He stated that WILLIE told him 13 he would get the gun and hold it for him at the store. 14 He stated that he does not know anything more about 15 WILLIE but will accompany the reporting detective on 22 16 December 90 and locate WILLIE at the GOLD STAR FOODS and 17 attempt to recover" - - the -- "handgun." 18 Q. Thank you, Detective. Then, the next day, did 19 -- according to your re -- second supplemental report, 20 did Edward Cooper accompany you to Gold Star Foods to 21 recover his handgun? 22 A. According to my report, he did. 23 MR. STEFANICH: Okay. That's all the -- that's 24 all the questions I have for you, Detective. Thank 25 you.</p>	<p style="text-align: right;">Page 44</p> <p>1 MS. GARCIA: Nothing else on my end. 2 MR. MICHALIK: All right, we will reserve 3 signature. Thank you. 4 THE REPORTER: Absolutely. Your e-mail address 5 is okay for that? 6 MR. MICHALIK: Yes. 7 THE REPORTER: Perfect. Any other orders? 8 MS. GARCIA: No. But Paul -- off the record. 9 THE REPORTER: Oh, give me one second. I'll 10 get us off the record. 11 (DEPOSITION CONCLUDED AT 11:08 A.M. CT) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 43</p> <p>1 MS. GARCIA: I don't have any other questions. 2 So Paul, unless you do, I think we can end the 3 deposition. 4 MR. MICHALIK: I do. I just have -- just a 5 little bit of a follow-up. 6 MS. GARCIA: Okay. 7 EXAMINATION 8 BY MR. MICHALIK: 9 Q. Mr. Fleming, you recall you were being asked 10 about photos and binders at the area 5. Do you recall 11 those questions? 12 A. Yes. 13 Q. All right, how many photos were in these 14 binders? 15 A. Probably a hundred in each binder. 16 Q. Now, were they referred to as mug books? 17 A. Yeah. 18 Q. All right. Did you compile the photographs 19 that were included in these mug books? 20 A. No. I did not. 21 Q. They were just available for any detective to 22 use at area 5? 23 A. Uh-huh. 24 MR. MICHALIK: No further questions, thank you. 25 MR. STEFANICH: Nothing else from me.</p>	<p style="text-align: right;">Page 45</p> <p>1 CERTIFICATE OF DIGITAL REPORTER 2 STATE OF ILLINOIS 3 4 I do hereby certify that the witness in the foregoing 5 transcript was taken on the date, and at the time and 6 place set out on the Stipulation page hereof, by me 7 after first being duly sworn to testify the truth, the 8 whole truth, and nothing but the truth; and that the 9 said matter was recorded digitally by me and then 10 reduced to typewritten form under my direction, and 11 constitutes a true record of the transcript as taken, 12 all to the best of my skill and ability. I certify that 13 I am not a relative or employee of either counsel and 14 that I am in no way interested financially, directly or 15 indirectly, in this action. 16 17 18 19 20 21 22 KRYSTAL M BARNES, 23 DIGITAL REPORTER / NOTARY 24 MY COMMISSION EXPIRES: 02/18/2026 25 SUBMITTED ON: 01/10/2024</p> <div data-bbox="1214 1549 1495 1661" style="border: 1px solid black; padding: 5px; text-align: center;"> <p>KRYSTAL M BARNES Official Seal Notary Public - State of Illinois My Commission Expires Feb 18, 2026</p> </div>

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